

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)
James Fortenberry,) Case No. 21-81169-CRJ7
)
Debtor(s).) Chapter 7

BANKRUPTCY ADMINISTRATOR'S RECOMMENDATION ON APPLICATIONS TO
EMPLOY SPECIAL COUNSEL

COMES NOW the United States Bankruptcy Administrator for the Northern District of Alabama, by and through the undersigned counsel of record, and regarding the applications to employ special counsel states as follows:

1. The Bankruptcy Administrator has reviewed the application to employ J Brent Burney & Burney & Burney, LLC (Doc. 27) and Phil D. Mitchell, Esq. & Harris, Caddell & Shanks, PC (Doc. 28) (Applicants) as special counsel to pursue a personal injury case and finds the same complies with the requirements of 11 U.S.C. §327(e) and Rule 2014 of the Federal Rules of Bankruptcy Procedure.
2. The Applicants seek to be employed at a total contingency fee of 40% of any recovery plus expenses. This Court has routinely limited contingency fees in in personal injury cases to 33 1/3% of any recovery. The Bankruptcy Administrator recommends that the Applicant only be approved at a 33 1/3% contingency fee plus expenses absent a showing that the higher fee is warranted.
3. The Applicants have affirmed that no agreement for sharing compensation exists outside of each law firm.

WHEREFORE, the premises considered, Bankruptcy Administrator recommends that the applications to employ special counsel only be approved if Applicants reduce the total contingency fee charged to 33 1/3% plus expenses, or upon a showing that the higher contingency fee is warranted for the type of case involved.

Respectfully submitted March 31, 2022.

J. THOMAS CORBETT
United States Bankruptcy Administrator for the
Northern District of Alabama
/s/ Richard M. Blythe
Richard M. Blythe
Assistant U.S. Bankruptcy Administrator
Alabama Bar ID: ASB-3199-B52R

OF COUNSEL:

United States Bankruptcy Administrator
Northern District of Alabama
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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2022, I have served a copy of the foregoing on the parties listed below by electronic service through the Court's CM/ECF system and/or by placing a copy of the same in the U.S. Mail, postage prepaid.

Tazewell Shepard, Esq., Trustee, Via CM/ECF electronic service

John C. Larsen, Esq., Attorney for the Debtor, Via CM/ECF electronic service

J Brent Burney, Esq., Proposed Special Counsel for the Debtor, Via CM/ECF electronic service

Phil D. Mitchell, Esq., Proposed Special Counsel for the Debtor, Via CM/ECF electronic service

/s/Richard M. Blythe
Richard M. Blythe